

Application No. 10/675,569
Reply to Office action

RECEIVED
CENTRAL FAX CENTER

JUL 05 2006

REMARKS

Claims 1-19 are pending in this application. Claims 1, 9, 11, 14, and 18 are amended herein, claims 4, 6, 8, 10, 12, 13, and 19 are canceled without prejudice, and claim 20 is added. No new matter is added, and entry of the amendments provided herein is respectfully requested. After entry of amendments herein, claims 1-3, 5, 7, 9, 11, 14-18 and 20 remain pending.

The amendments are provided in response to the 04/04/2006 Office action, and following a 05/23/2006 telephonic interview between the Examiner and the undersigned Attorney for Applicant. During that interview no agreement was reached on substantive issues.

Claim rejections – 35 USC 103

Claims 1-6 and 8-19 stand rejected under 35 U.S.C. 103(a) as being allegedly unpatentable over Brown (U.S. Patent 6,119,710) in view of Hinkle (U.S. Patent 5,684,245). Claim 7 stands rejected under 35 U.S.C. 103(a) as being allegedly unpatentable over Brown and Hinkle as applied to claims 1-6 and 8-19, further in view of Nishikawa et al. (U.S. 6,273,954). It is noted that these rejections are essentially identical with the rejections previously made in the 01/10/2006 Final Office action.

To overcome the present rejections, Applicants have amended independent claims 1, 9, 11, 14, and 18, and have canceled claims 4, 6, 8, 10, 12, 13, and 19 without prejudice.

It is Applicants' position that none of the references, however they may be combined, teach the elements as arranged in these amended claims, nor is any suggestion or motivation to be found either in these references nor in the general knowledge of the art to reach the claimed invention. For example, neither a cited reference nor the general state of the art provides a suggestion or motivation to combine elements to attain a

Application No. 10/675,569
Reply to Office action

system providing a bypass loop comprising a flow detector for calibrating a mass flow controller located more upstream on a flow basis, where the bypass loop is provided in a vent line, so that the gas being calibrated in the bypass loop may be returned directly into the vent line and thereafter may be sent for disposal and/or abatement. (Note that in FIGs. 2 and 3 of US 6,119,710 calibration is in the process line, not a bypass loop from a vent line, and in FIG. 4 the alleged bypass loop does not loop from a vent line, but the main process line.)

In that all rejected dependent claims depend from amended claims 1 and 14, the amendments to these claims are believed to be sufficient to overcome the rejection of respective remaining dependent claims. Further it is noted that dependent claims 9 and 11, formerly depending from canceled independent claim 8, are amended to depend from new claim 20 and amended claim 1, respectively. As such, the rejections of these claims is considered rendered moot in view of these changes.

In addition to the above amendments and argument, it is noted, with regard to claims 1-3, 5 and 7, that the cited references do not appear to teach or suggest a vent line having a bypass loop intersecting it at an inlet junction and at a return junction, where the bypass loop comprises the noted features.

Concluding Remarks

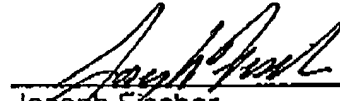
Based on the above, the obviousness rejections of claims 1-3, 5, 7, 9, 11, 14-18 should be withdrawn. Applicant respectfully requests reconsideration of the claims as provided herein, withdrawal of such rejections, and allowance of these claims.

The Examiner is invited to call the undersigned if clarification is needed on any aspects of this Reply/Amendment, or if the Examiner believes a telephonic interview would

Application No. 10/675,569
Reply to Office action

expedite the prosecution of the subject application to completion.

Respectfully submitted,



Joseph Fischer
Registration No. 51,210
Beusse Brownlee Wolter Mora & Maire, P.A.
390 N. Orange Avenue, Suite 2500
Orlando, FL 32801
Telephone: 407-926-7715
Cellular Phone: 407-497-7437
Fax: 407-926-7720